

PUBLIC SERVICE COMMISSION

Daniel J. Demlow

Eric J. Schneidewind

Edwyna G. Anderson

STATE OF MICHIGAN



WILLIAM G. MILLIKEN, Governor

6545 MERCANTILE WAY

P.O. BOX 30221

LANSING, MICHIGAN 48909

DEPARTMENT OF COMMERCE

WILLIAM F. McLAUGHLIN, Director

January 19, 1981

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APR 26 2010

Federal Communications Commission  
Office of the Secretary

Mr. William J. Tricarico, Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

Dear Mr. Tricarico:

Pursuant to Section 1.414(b) of the Commission's Rules, the State of Michigan hereby certifies that it regulates the terms, rates and conditions for pole attachments and that, in so regulating, it considers the interests of cable television subscribers, the customers of other attaching parties and the customers of utilities.

The basis for this certification is Act 470 of the Public Acts of 1980, which was signed by Governor Milliken on January 17, 1981. A copy of this Act is enclosed. It provides for the regulation of pole attachments by the Michigan Public Service Commission.

Sincerely,

Daniel J. Demlow

cc: Governor Milliken  
Peter Ellsworth  
Chris Fedewa

Enclosure

cf/



**Consumers  
Power  
Company**

General Offices: 212 West Michigan Avenue, Jackson, MI 49201 • (517) 788-0550

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Federal Communications Commission •  
Office of the Secretary

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Theodore J. Vogel  
Attorneys

January 22, 1981

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JAN 29 1981

Federal Communications Commission  
Common Carrier Bureau  
1919 M Street NW  
Washington, D.C. 20054

**POLE ATTACHMENT  
BRANCH**

Gentlemen:

Subject: Continental Cablevision, Docket Nos. PA-80-0021  
& PA-79-0027  
American Television and Communications Corp.  
Docket No. PA-80-004

Attached please find a copy of House Bill 5179 which recently passed the Michigan Legislature and has been signed by the Governor.

This is now Michigan Public Act 470 of 1980. This Act grants to the Michigan Public Service Commission (MPSC) jurisdiction to regulate Cable Television pole attachments. It further requires the MPSC to consider the interests of the customers of the attaching party as well as the customers of the utility. Thus, this statute meets the requirements for the transfer of jurisdiction from the Federal Communications Commission to the MPSC.

Very truly yours,

  
John P. Dickey

JPD:mlm

Enclosure

cc: Mr. John R. Wilner  
Mr. Charles A. Nelson

JPO

# SUBSTITUTE FOR HOUSE BILL No. 5179

A bill to amend Act No. 3 of the Public Acts of 1939, entitled as amended

"An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law therein on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to provide for appeals; to provide appropriations; to declare the effect of this act; to prescribe penalties; and to repeal all acts contrary to this act,"

as amended, being sections 460.1 to 460.8 of the Compiled Laws of 1970,  
by adding section 6g.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1       Section 1. Act No. 3 of the Public Acts of 1939, as amended, being  
2 sections 460.1 to 460.8 of the Compiled Laws of 1970, is amended by adding  
3 section 6g to read as follows:

5178 '79 - Sub.(H-1)

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1 SEC. 6G. (1) AS USED IN THIS SECTION:

2 (A) "ATTACHING PARTY" MEANS ANY PERSON, FIRM, CORPORATION, PARTNERSHIP,  
3 OR COOPERATIVELY ORGANIZED ASSOCIATION, OTHER THAN A UTILITY OR A MUNICIPAL-  
4 ITY, WHICH SEEKS TO CONSTRUCT ATTACHMENTS UPON, ALONG, UNDER, OR ACROSS  
5 PUBLIC WAYS OR PRIVATE RIGHTS OF WAY.

6 (B) "ATTACHMENT" MEANS ANY WIRE, CABLE, FACILITY, OR APPARATUS FOR  
7 THE TRANSMISSION OF WRITING, SIGNS, SIGNALS, PICTURES, SOUNDS, OR OTHER  
8 FORMS OF INTELLIGENCE OR FOR THE TRANSMISSION OF ELECTRICITY FOR LIGHT,  
9 HEAT, OR POWER, INSTALLED BY AN ATTACHING PARTY UPON ANY POLE OR IN ANY  
10 DUCT OR CONDUIT OWNED OR CONTROLLED, IN WHOLE OR IN PART, BY 1 OR MORE  
11 UTILITIES.

12 (C) "COMMISSION" MEANS THE MICHIGAN PUBLIC SERVICE COMMISSION CREATED  
13 IN SECTION 1.

14 (D) "UTILITY" MEANS ANY PUBLIC UTILITY SUBJECT TO THE REGULATION AND  
15 CONTROL OF THE COMMISSION THAT OWNS OR CONTROLS, OR SHARES OWNERSHIP OR  
16 CONTROL OF POLES, DUCTS, OR CONDUITS USED OR USEFUL, IN WHOLE OR IN PART,  
17 FOR SUPPORTING OR ENCLOSING WIRES, CABLES, OR OTHER FACILITIES OR APPARATUS  
18 FOR THE TRANSMISSION OF WRITING, SIGNS, SIGNALS, PICTURES, SOUNDS, OR OTHER  
19 FORMS OF INTELLIGENCE, OR FOR THE TRANSMISSION OF ELECTRICITY FOR LIGHT,  
20 HEAT, OR POWER.

21 (2) THE COMMISSION SHALL REGULATE THE RATES, TERMS, AND CONDITIONS  
22 OF ATTACHMENTS BY ATTACHING PARTIES. THE COMMISSION, IN REGULATING THE  
23 RATES, TERMS, AND CONDITIONS OF ATTACHMENTS BY ATTACHING PARTIES, SHALL  
24 NOT REQUIRE A HEARING WHEN APPROVING THE RATES, TERMS, AND CONDITIONS  
25 UNLESS THE ATTACHING PARTY OR UTILITY PETITIONS THE COMMISSION FOR A  
26 HEARING. THE COMMISSION SHALL INSURE THAT THE RATES, TERMS, AND CONDITIONS  
27 ARE JUST AND REASONABLE AND SHALL CONSIDER THE INTERESTS OF THE ATTACHING

1 PARTIES' CUSTOMERS AS WELL AS THE UTILITY AND ITS CUSTOMERS.

2 (3) AN ATTACHING PARTY SHALL OBTAIN ANY NECESSARY AUTHORIZATION BEFORE  
3 OCCUPYING PUBLIC WAYS OR PRIVATE RIGHTS OF WAY WITH ITS ATTACHMENT.

4 (4) PROCEDURES UNDER THIS SECTION SHALL BE THOSE APPLICABLE TO ANY  
5 UTILITY WHOSE RATES CHARGED ITS CUSTOMERS ARE REGULATED BY THE COMMISSION,  
6 INCLUDING THE RIGHT TO APPEAL A FINAL DECISION OF THE COMMISSION TO THE  
7 COURTS.

8 5178 '79 - sub. (H-1)

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Signed into January 17, 1981

FILED/ACCEPTED

APR 26 2010

Federal Communications Commission  
Office of the Secretary

STATE OF MICHIGAN  
80TH LEGISLATURE  
REGULAR SESSION OF 1980

Introduced by Reps. Griffin and Vanek

## ENROLLED HOUSE BILL No. 5179

AN ACT to amend Act No. 3 of the Public Acts of 1939, entitled as amended "An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law therein on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to provide for a restructuring of rates for certain utilities; to provide for appeals; to provide appropriations; to declare the effect of this act; to prescribe penalties; and to repeal all acts contrary to this act," as amended, being sections 460.1 to 460.8 of the Compiled Laws of 1970, by adding section 6g.

*The People of the State of Michigan enact:*

Section 1. Act No. 3 of the Public Acts of 1939, as amended, being sections 460.1 to 460.8 of the Compiled Laws of 1970, is amended by adding section 6g to read as follows:

Sec. 6g. (1) As used in this section:

(a) "Attaching party" means any person, firm, corporation, partnership, or cooperatively organized association, other than a utility or a municipality, which seeks to construct attachments upon, along, under, or across public ways or private rights of way.

(b) "Attachment" means any wire, cable, facility, or apparatus for the transmission of writing, signs, signals, pictures, sounds, or other forms of intelligence or for the transmission of electricity for light, heat, or power, installed by an attaching party upon any pole or in any duct or conduit owned or controlled, in whole or in part, by 1 or more utilities.

(c) "Commission" means the Michigan public service commission created in section 1.

(d) "Utility" means any public utility subject to the regulation and control of the commission that owns or controls, or shares ownership or control of poles, ducts, or conduits used or useful, in whole or in part, for supporting or enclosing wires, cables, or other facilities or apparatus for the transmission of writing, signs, signals, pictures, sounds, or other forms of intelligence, or for the transmission of electricity for light, heat, or power.

(2) The commission shall regulate the rates, terms, and conditions of attachments by attaching parties. The commission, in regulating the rates, terms, and conditions of attachments by attaching parties, shall not require a hearing when approving the rates, terms, and conditions unless the attaching party or utility petitions the commission for a hearing. The commission shall ensure that the rates, terms, and conditions are just and reasonable and shall consider the interests of the attaching parties' customers as well as the utility and its customers.

(3) An attaching party shall obtain any necessary authorization before occupying public ways or private rights of way with its attachment.

(4) Procedures under this section shall be those applicable to any utility whose rates charged its customers are regulated by the commission, including the right to appeal a final decision of the commission to the courts.

*T. Thos. Thatcher*

Clerk of the House of Representatives.

*William C. Londer*

Secretary of the Senate.

Approved .....

.....  
Governor.



**Consumers  
Power  
Company**

General Offices: 212 West Michigan Avenue, Jackson, Michigan 49201 • (517) 788-0550

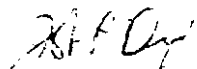
August 9, 1978

Mr. James Talens  
Federal Communications Commission  
Room 522  
Washington, DC 20544

Dear Mr. Talens:

Thank you for your help and discussion concerning the new CATV Pole Attachment regulations. Enclosed please find a copy of the Michigan Public Service Commission order dated July 31, 1978, in the matter of Consumers Power Company. The Commission found that it had jurisdiction over Pole Attachments and stated its intention to regulate rates.

Very truly yours,

  
John P. Dickey

Attachment

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